

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

No. 2:16-mj-11

vs.

DAVID KING BALDWIN,

MOTION FOR PRETRIAL/  
TEMPORARY DETENTION

Defendant.

\_\_\_\_\_ /

SECTION I

The United States Attorney moves for pretrial detention of the defendant on the basis that this case involves (choose at least one of the following):

[BASIS FOR DETENTION HEARING - § 3142(f)(1)]

X 1. a crime of violence.

\_\_\_\_\_ 2. an offense for which the maximum sentence is life imprisonment or death.

\_\_\_\_\_ 3. an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_  
1.

\_\_\_\_\_ 4. any felony that was committed after the defendant had been convicted of two or more prior federal offenses described in paragraphs 1-3 above or comparable state or local offenses.

\_\_\_\_\_ 5. any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code.

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<sup>1</sup> Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.) or (c) Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

[BASIS FOR DETENTION HEARING - § 3142(f)(2)]

- \_\_\_6. a serious risk that the defendant will flee.
- X 7. a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate, a prospective witness or juror or attempt to do so).

[Optional Additional Paragraphs]

[REBUTTABLE PRESUMPTION OR DANGEROUSNESS - § 3142(e)]

\_\_\_8. In support of his motion, the United States Attorney further states that the offense with which the defendant is charged is an offense described in paragraphs 1-5 above; the defendant has previously been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) described in paragraphs 1-5 above, which was committed while the defendant was on release pending trial for a federal, state or local offense; and a period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense of which the defendant was previously convicted.

[REBUTTABLE PRESUMPTION OF DANGEROUSNESS/FLIGHT RISK - § 3142(e)]

- \_\_\_9. In support of his motion, the United States Attorney further states that there is probable cause to believe that the defendant has committed the offense with which he is charged and that it is an offense (choose at least one of the following):
- \_\_\_A. for which a maximum term of imprisonment of ten years or more is prescribed in  
.<sup>2</sup>
- \_\_\_B. under 18 U.S.C. § 924(c), 956(a), or 2332b involving the use or carrying of a firearm.
- \_\_\_C. an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed.
- \_\_\_D. an offense under chapter 77 of title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed.
- \_\_\_E. an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1),

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<sup>2</sup> Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); (c) Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901, et seq.) or (d) an offense under section 924(c), 956(a), or 2332b of title 18 of the United States Code.

2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of title 18.

[CONTINUANCE - § 3142(f)(2)]

X 10. The United States Attorney moves for a continuance of 3 days to hold a detention hearing. (Specify good cause for request in excess of 3 days).

       11. The United States Attorney moves for a medical examination of defendant during the continuance to determine whether defendant is a narcotics addict.

## SECTION II

[TEMPORARY DETENTION PURSUANT TO § 3142(d)]

The United States Attorney moves for temporary detention of the defendant for ten (10) days to permit revocation of conditional release, deportation, or exclusion, because the defendant may flee or pose a danger to another person or the community, and because defendant:

1. is, and was at the time the offense was committed, on

       A.release pending trial for a felony, or

       B.release pending appeal, or imposition, execution, or completion of sentence, or

       C.probation or parole, or

2. is an alien not admitted to the United States for permanent residence.

Respectfully submitted,

PATRICK A. MILES, JR.  
United States Attorney

/s/ Paul D. Lochner  
PAUL D. LOCHNER  
Assistant United States Attorney

Dated: September 1, 2016